

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 82-36

ORDER EXTENDING TIME SCHEDULE ORDER NO. 81-11 DIRECTING CITIES OF SAN JOSE/
SANTA CLARA TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL
WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION, IN ORDER NO. 82-35
(NPDES Permit No. CA0037842)

The California Regional Water Quality Control Board (hereinafter Board),
San Francisco Bay Region, Finds that:

1. On February 18, 1981 the Board adopted Order No. 81-11, an Enforcement Order for issuance of a Time Schedule directing the cities of San Jose and Santa Clara (hereinafter discharger) to comply with the Basin Plan Prohibitions for:
 - a. 10-1 initial dilution
 - b. discharge to dead-end sloughs or confined waterways;
 - c. discharge to San Francisco Bay south of Dumbarton Bridge

These Prohibitions have not been met.

2. Order No. 81-11 was based on waste discharge requirements prescribed by Order No. 77-107 (NPDES Permit No. CA0037842) which expires on July 1, 1982.
3. Discharge is currently in compliance with the Time Schedule Order and the terms in the NPDES Permit.
4. Discharger has made a request for Board's continuance of the prohibition deferral contained in Order No. 81-11.
5. On June 16, 1982, the Board adopted Order No. 82-35 reissuing waste discharge requirements for the Cities of San Jose and Santa Clara. Order 82-35 replaces Order No. 77-107.
6. The Board has notified the discharger and interested agencies and persons of its intent to prescribe revised requirements for the discharger.
7. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.
8. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, that Order No. 81-11 is amended to read and follows:

1. The title in Order No. 81-11 shall read as follows:

ORDER DIRECTING CITIES OF SAN JOSE AND SANTA CLARA TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION, IN ORDER NO. 82-35 (NPDES PERMIT NO. CA0037842).

2. Finding No. 1 in Order No. 81-11 should include an additional sentence which reads as follows;

" . . . Order No. 77-107 was superseded by Order No. 82-35 adopted by the Board on June 16, 1982."

3. Order No. 77-107 which prescribes waste discharge requirements for the discharger and was the basis for Time Schedule Order No 81-11 is amended to refer to as Order, No. 82-35 in place of Order No. 77-107.
4. The expiration date of July 1, 1982 in Order No. 81-11 is amended to June 20, 1987.
5. The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on June 16, 1982.

FRED H. DIERKER
Executive Officer